



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

December 23, 2015

Mr. Pedro Ramos
Superintendent
Everglades National Park
40001 State Road 9336
Homestead, FL 33034-6733

SUBJECT: Acquisition of Florida Power & Light Company Land in the East
Everglades Expansion Area Final Environmental Impact Statement,
Miami-Dade County, Florida; **CEQ #: 20150341**

Dear Mr. Ramos:

The U.S. Environmental Protection Agency (EPA) has reviewed the referenced Final Environmental Impact Statement (FEIS) in accordance with its responsibilities under Section 309 of the Clean Air Act and Section 102(2)(C) of the National Environmental Policy Act (NEPA). The National Park Service (NPS) proposes to acquire existing Florida Power and Light (FPL) land within the Everglades National Park (Park), or sufficient interest in the property, to facilitate hydrologic and ecologic restoration of the Park and Everglades ecosystem. The NPS states this action is needed to support the mission of the NPS and the Park because the East Everglades Expansion Area (EEEA), which includes the existing FPL parcel, has been identified as vital to long-term protection of the Park for ecosystem restoration purposes. Further, the NPS states the acquisition of the existing FPL parcel within the EEEA is needed to support the goals of restoring the Northeast Shark River Slough (NESRS) and to fulfill the purposes of the Modified Water Deliveries project and the Comprehensive Everglades Restoration Plan (CERP).

The FPL parcel is a linear north-south corridor between 330 feet and 370 feet in width and approximately 7.4 miles in length within the Park. The parcel was purchased by FPL in the 1960s and early 1970s, prior to the expansion of the Park, with the intention of supporting future transmission lines from the FPL's Turkey Point power plant.

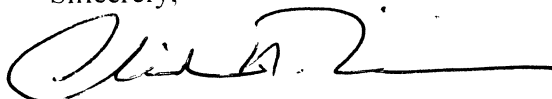
The NPS published the Draft Environmental Impact Statement (DEIS) in January of 2014. The EPA notes that we provided comments on the DEIS in our letter dated March 12, 2014, and provided the DEIS with a Lack of Objections (LO) rating. The Final Environmental Impact Statement (FEIS) examined 6 alternatives which compared the "No Action" alternative to "Action Alternatives". A description of each alternative as outlined the FEIS is included in the enclosure to this letter (See enclosure).

The NPS identified Alternative 3: Fee for Fee Land Exchange as the 'Preferred Alternative'. The EPA notes that Alternative 3 has changed since the issuance of the DEIS and now incorporates the potential to locate the FPL transmission lines outside of the Park in privately-owned land and South Florida Water Management District land. Additionally, the FPL has also committed to re-convey to the NPS all acreage in the exchange corridor.

Based upon the EPA's review of the FEIS, we continue to lack objections to the NPS's overall proposed action. However, the EPA notes that some of the issues raised from our review of the DEIS were not fully addressed in the FEIS. The EPA requests that the issues of climate change and continued tribal consultation be addressed more specifically in the Record of Decision (ROD). The EPA requests a copy of the ROD from the NPS when it becomes available.

We appreciate the opportunity to review the FEIS. Please contact Ms. Jamie Higgins of my staff at (404) 562-9681, should you wish to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris A. Militscher", with a long horizontal flourish extending to the right.

Christopher A. Militscher
Chief, NEPA Program Office
Resource Conservation and Restoration Division

w/ Enclosure

Enclosure
Everglades National Park Acquisition of Florida Power and Light Company Land in the
East Everglades Expansion Area
Final Environmental Impact Statement
EPA Detailed Comments

Alternatives Presented in the FEIS:

- Alternative 1A: No NPS Action-No FLP Construction is the “No Action” alternative and assumes that the NPS would take no action to acquire FPL property within the EEEA or a flowage easement on it. Alternative 1A is considered the status quo or baseline alternative. Alternative 1A also assumes that FPL would not construct transmission lines on its existing land in the Park, in the exchange corridor, or in any area outside the Park.
- Alternative 1B (No NPS Action – FPL Construction in the Park) considers FPL construction of transmission lines on their existing land in the Park (FPL’s “West Secondary Corridor”), but the NPS would not take action to acquire FPL property within the Park or a flowage easement on it. With respect to the action selected for acquisition, it is the same as Alternative 1A.
- Alternative 2 (NPS Acquisition of FPL Land-Environmentally Preferred Alternative) the NPS would acquire the FPL corridor through direct purchase or through the exercise of eminent domain authority by the United States. This alternative would result in an increase of 320 acres of NPS-owned land within the authorized boundary of the Park and would allow for flowage of water on this property. The NPS identified Alternative 2 as the environmentally preferred alternative.
- Alternative 3 (NPS Fee for Fee Land Exchange-NPS Preferred Alternative) requires the NPS to acquire fee title to the FPL property (7.4-mile-long corridor containing 320 acres of FPL lands) through an exchange for Park property, as authorized by the exchange legislation. NPS land conveyed to FPL would consist of 260 acres along 6.5 miles of the eastern boundary of the EEEA, which would be a net gain of 60 acres of federally owned Park land. This alternative has been revised from the DEIS to the FEIS in two important ways. The first is to incorporate the potential to locate the proposed transmission lines outside the park on adjacent privately-owned lands and property of the South Florida Water Management District in the FPL West Consensus Corridor. The second change in this alternative is a commitment that FLP shall re-convey to the NPS any and all acreage in the exchange corridor.
- Alternative 4 (Easement for Fee Land Exchange) would require the NPS acquire fee title to the FPL property (7.4-mile-long corridor containing 320 acres of FPL lands) through an exchange for an easement on NPS property. The NPS would grant an easement to FPL on 260 acres of Park land along 6.5 miles of the eastern boundary of the EEEA for potential construction of transmission lines, in accordance with the terms and conditions developed for this “easement for fee” exchange. Under this easement for fee exchange, NPS would retain ownership of the corridor. However, the NPS terms and conditions would only allow FPL construct transmission lines and appurtenant facilities and not other utility-related facilities.

- Alternative 5 (Perpetual Flowage Easement on FPL Property) would require the NPS to acquire the EEEA through purchase, condemnation, or donation by FPL. FPL would retain ownership of its 7.4-mile-long corridor in the Park during the term of the easement and could construct transmission lines there. As a part of the NPS's terms and conditions, a flowage easement would be required of the entire FPL property (from Tamiami Trail to 8.5 square mile area). The construction scenario associated with this alternative would be the same as Alternative 1B (FPL construction on its existing land in the Park), except that NPS would acquire a long-term, perpetual flowage easement that provides sufficient flowage for completion of everglades restoration projects.

Other Environmental Issues:

Tribal Consultation: The EPA encourages continued consultation with the Seminole Tribe of Florida and Miccosukee Tribe of Indians of Florida at all levels of decision-making. The EPA works closely with both Tribes on Everglades matters and is committed to working with other Federal partners to prioritize the Tribes' water quality and water management concerns. The EPA recommends that the NPS commit to continued consultation with the Seminole Tribe of Florida and the Miccosukee Tribe of Indians of Florida in the Record of Decision (ROD) regarding the proposed action.

Climate Change: The EPA has some general concerns regarding the omission of a qualitative climate change analysis in the FEIS. The EPA recommends that the NPS consider the Council on Environmental Quality's "Revised Draft NEPA Guidance on Consideration of the Effects of Climate Change and Greenhouse Gas Emissions" (December 18, 2014) at: https://www.whitehouse.gov/sites/default/files/docs/nepa_revised_draft_ghg_guidance_searchable.pdf.

The EPA recommends that the NPS provide an appropriate climate change analysis in the ROD. The NPS may also wish to consider this guidance in the development of future Everglades National Park EISs and how the NPS's actions might be effected by climate change in order to identify appropriate adaptation and resiliency measures.

Concern Response Report: The EPA understands that the NPS congregated similar concerns and documented responses to these concerns in Appendix L. The EPA had difficulty finding the NPS's response to the January of 2014 DEIS comments in the FEIS (Appendix L: Concern Response Report). Given the unique regulatory and technical expertise of state and Federal agencies, the EPA recommends that the NPS provide a separate response to comment section for state and Federal agencies to ensure that these agencies, including the EPA, fully understand the NPS's position.